

Information Services Board Briefing Paper on the Office of the Secretary of State Help America Vote Act Requirements (HAVA)/e-Voting Project

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Description

The Office of the Secretary of State (OSOS) was requested to return and provide an informational briefing to the ISB on HAVA requirements for the State of Washington.

Recommendation to the Board

No recommendations at this time. ISB staff will stay involved with the project and will assist as required.

Recommendation to the Project

No recommendations at this time.

Status

The intent of HAVA requirements is to ensure that voters of Washington will be properly allowed to vote using digital equipment and that their votes will be correctly counted. HAVA has two main requirements for the state: a centralized state voter registration database (VRDB) and voting systems changes (hardware at polls). Activities to address these requirements are currently under way in OSOS/Elections Division. DIS is developing master contracts to allow counties to purchase voting systems.

While not a part of HAVA, seven Washington counties were involved in a federal Department of Defense Overseas Internet Voting Test (SERVE – Secure Electronic Registration and Voting Experiment). The counties are Cowlitz, Island, Kitsap, Pierce, Snohomish, Spokane, and Thurston. SERVE was canceled by the Department of Defense due to security concerns.

Schedule

The schedule for HAVA and SERVE is:

Brief ISB	January 2004/Rescheduled to March 2004
Initial Date for Compliance	January 2004
Extension Date for Compliance	January 2006
Release of RFP for Equipment Master Contracts	April 2004
SERVE Testing Date	Canceled
SERVE Implementation (for seven counties)	Canceled
VRDB Pilot counties implementation	March 2005
VRDB statewide implementation	January 2006
HAVA Compliance (with waivers)	January 2006

Budget/Cost

Punch Card Replacement and Election Administration Improvement (Title I)

A Congressional Research Service memorandum estimated fund allocation for Title I to be \$14,045,636 without specifying how the amount was determined.

Requirements Payments (Title II, subtitle D, part 1) (Voting Technology and Voting Administrative Improvements)

For Fiscal Years 2003 through 2005, Washington could receive up to \$62.8 million. This would require a 5% state match of \$3.1 million.

A Congressional Research Service memorandum estimated fund allocation for requirements payments at \$60,245,454, without specifying how the amount was determined.

Issues

Schedule: Washington is expected to receive a federal waiver to extend the implementation date from January 2004 to January 2006.

Security/voter confidence: Voting system security continues to be a national issue. These concerns result in the lowering of the confidence of the voters. Legislation is being considered to mandate that voting machines be able to produce a paper record of votes.

Multiple agency involvement in VRDB: The VRDB will require manual or electronic interface with several agencies including DOL, DOH, and DOC.

Background

The Help America Vote Act of 2002 protects both vote-by-mail and Washington State's authority over its own elections. It puts minimum standards into place that will allow voters to check for errors on their ballots, improve the voting process for those with disabilities, and provide states with funding to replace antiquated voting equipment. In addition, the act positions the state of Washington to compete with other states for several federal grants. The law allots \$100 million through fiscal year 2005 to improve access for those with disabilities, \$10 million to test equipment and technology through a pilot project, and \$20 million to research voting technology improvements. (These numbers are totals that would be divided among the states for their use over varying periods of time.)

Impact of federal election reform in Washington State

New Election Administration Requirements:

- By 2003, a voter who registers by mail must provide a copy of photo identification or some other valid piece of identification.
- By 2004, election officials must post voting information at the polling locations including: sample ballots, dates and times of elections, instructions on voting, instructions for voters who register to vote by mail and who are voting for the first time, and voters' rights.
- By 2004, a computerized statewide voter registration list must be adopted that is a uniform, official, centralized, interactive system administered by the state and which contains the record of every individual legally registered to vote.
- By 2004, any voter who casts a ballot after the polls have closed because of a court order will vote a provisional (special) ballot that is separated from all other ballots
- By 2004, individuals registering to vote must provide a drivers license number or the last four digits of their social security number if they do not have a driver's license. Individuals who do not have either are assigned a unique identification number. Election officials must check either the drivers' license or social security number against numbers in existing databases.

- By 2004, mail-in registration forms must include check boxes including the questions, "Are you a citizen of the United States of America?" and, "Will you be 18 years of age of age by election day." Included with the questions shall be the following statement: "If you check "no" in response to either of these, do not complete the form."
- By 2006, voting systems in federal elections must provide voters the ability to review their ballot, be able to produce a permanent paper record with a manual audit capacity, provide accessibility for voters with disabilities, provide alternative language accessibility, and must not exceed specified error rates.
- To receive funding under this HAVA, states must adopt a plan with the advice and assistance of a committee of local election officials and citizens appointed by the chief state election official. Additionally, states must certify the following: that it has a state plan; it has a plan for establishing administrative complaint procedures; it is in compliance with existing federal law; that funds are sufficient and will not be used for purposes inconsistent with the act, and a 5% match has been appropriated by the state.
- States are required to establish administrative complaint procedures to make determinations on grievances within three months of the complaint filing. States are required to provide a remedy or dismiss the complaint and publish their results.
- States must designate a single office providing information about registration and absentee ballots to overseas and uniformed voters. Further, local jurisdictions must report the number of military and overseas ballots sent and the number returned for all federal elections.
- States are required to submit reports on the activities conducted and equipment purchased with each grant.